

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ERNEST AVERY, :
Petitioner :
v. : Case No. 3:15-cv-298-KRG-KAP
SHAWN MILLION, WARDEN, :
F.C.I. LORETTO, :
Respondent :
:

Memorandum Order

This matter was referred to Magistrate Judge Keith A. Pesto for proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636, and Local Civil Rule 72.

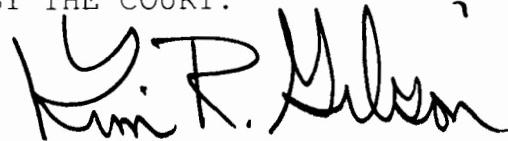
The Magistrate Judge filed a Report and Recommendation on January 25, 2016, docket no. 3, recommending that the petition for a writ of habeas corpus be summarily denied.

The petitioner was notified pursuant to 28 U.S.C. § 636(b) (1) that he had fourteen days to file written objections to the Report and Recommendation. Petitioner filed a motion to disqualify the Magistrate Judge at docket no. 4 that includes objections to the Report and Recommendation, but the objections are meritless.

After de novo review of the record, the Report and Recommendation, and the objections thereto at docket no. 4, the following order is entered:

AND NOW, this 22nd day of February, 2016, it is
ORDERED that the petitioner's petition for a writ of
habeas corpus is denied. The Report and Recommendation is adopted
as the opinion of the Court. The Clerk shall mark this matter
closed.

BY THE COURT:



KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice to counsel of record by ECF and by U.S. Mail to:

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F.C.I. Loretto
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